

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HENRY C. YUEN

Appeal No. 2006-0348
Application No. 09/470,871

HEARD: February 7, 2006

Before GROSS, BLANKENSHIP, and NAPPI, ***Administrative Patent Judges***.
GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 6 and 8 through 10, which are all of the claims pending in this application. Claim 7 has been canceled.

Appellant's invention relates to a method of simulating a virtual world on the world-wide web such that a user's sense of distance is graphically and functionally restored. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method of user interaction on the world-wide web, comprising the steps of:

defining a virtual world using at least one web site, the virtual world including a virtual geographic terrain with a set of virtual locations;

displaying the virtual geographic terrain and virtual locations to a plurality of visitors to the virtual world, each being interconnected to the web site through the world-wide web;

identifying each visitor to the virtual world with a symbol superimposed on the geographic terrain;

providing a facility whereby visitors may traverse virtual geographic terrain and visit virtual locations by moving the symbols;

predicting a next location where a visitor might traverse within the virtual world based upon previous symbol movements;

caching information to provide a more immediate presentation of the next location; and

establishing a common metric with respect to each visitor, enabling one visitor to interact with another visitor in accordance with the metric.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Brady et al. (Brady)	5,434,927	Jul. 18, 1995
Redmann et al. (Redmann)	5,696,892	Dec. 09, 1997
Leahy et al. (Leahy)	6,219,045	Apr. 17, 2001 (filed Nov. 12, 1996)
Matsuda	6,346,956	Feb. 12, 2002 (filed Sep. 29, 1997)
Cheng	6,396,509	May 28, 2002 (filed Feb. 21, 1998)

Claims 1 through 4 and 8 stand rejected under 35 U.S.C. § 103 as being unpatentable over Matsuda in view of Brady.

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Claims 5 and 6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Matsuda in view of Brady and Cheng.

Claim 9 stands rejected under 35 U.S.C. § 103 as being unpatentable over Matsuda in view of Brady and Leahy.

Claim 10 stands rejected under 35 U.S.C. § 103 as being unpatentable over Matsuda in view of Brady and Redmann.

Reference is made to the Examiner's Answer (Paper No. 11, mailed December 3, 2003) for the examiner's complete reasoning in support of the rejections, and to appellant's Brief (Paper No. 10, filed October 14, 2003) for appellant's arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will reverse the obviousness rejections of claims 1 through 6 and 8 through 10.

With regard to claims 1 through 4 and 8, the examiner admits (Answer, page 4) that Matsuda fails to disclose the steps of "predicting a next location where a visitor might traverse within the virtual world based upon previous symbol movements" and

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"caching information to provide a more immediate presentation of the next location." The examiner asserts (Answer, page 4) that Brady "teaches a method for tracking objects in a virtual environment wherein potential future positions are predicted." According to the examiner, it would have been obvious to combine Matsuda and Brady "in order to improve response time." Also, the examiner relies on Official Notice that cache memories were well known in the art and, therefore, contends that the use of a cache memory would have been obvious "to provide users quick access to data resulting in a more immediate presentation of the next location."

Appellant argues (Brief, page 4) that there is no suggestion or teaching in the references to combine. We agree. Notwithstanding the examiner's statements to the contrary, Brady does not deal with a virtual environment. Brady's method classifies and tracks vehicles by using images provided in real-time by video cameras. The method predicts potential future track points to avoid the delay in inferring trends involved in prior methods. Brady discloses (column 11, lines 49-51) that response time is improved by reducing the resolution of an image,

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not by predicting next locations. Thus, we find no teaching in Brady to predict next locations in a virtual environment to improve response times. In addition, although we agree that cache memories were well known in the art, we find nothing in the references of record that would suggest using a cache memory in the manner recited in claim 1. Thus, the examiner has failed to establish a prima facie case of obviousness, and we cannot sustain the rejection of claims 1 through 4 and 8.

Regarding claims 5, 6, 9, and 10, Cheng, Leahy, and Redmann fail to cure the deficiencies of the primary combination. Therefore, we cannot sustain the obviousness rejections of claims 5, 6, 9, and 10.

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CONCLUSION

The decision of the examiner rejecting claims 1 through 6 and 8 through 10 under 35 U.S.C. § 103 is reversed.

REVERSED

Anita Peltzman Gross

ANITA PELLMAN GROSS
Administrative Patent Judge

Howard B. Blankenship
Howard B. Blankenship
Administrative Patent Judge


ROBERT NAPPI
Administrative Patent Judge

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